

ORIGINAL

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 8 - 2010 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MISC 10 - 0010

AMBAC ASSURANCE CORPORATION,

: Misc. No.

Plaintiff,

: Index No. 08 Civ. 9464 (RMB) (THK)
(Case Pending in Southern District of
New York)

- against -

EMC MORTGAGE CORPORATION,

:

GARAUFIS, J.

Defendant.

:

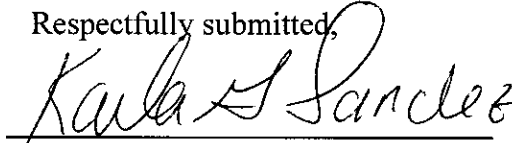
**NOTICE OF MOTION FOR PLAINTIFF'S MOTION TO COMPEL
PRODUCTION OF THIRD-PARTY DOCUMENTS**

PLEASE TAKE NOTICE that upon the annexed Declaration of Lia M. Brooks, dated January 8, 2010 and accompanying exhibits, and the Memorandum of Law submitted herewith, Plaintiff Ambac Assurance Corporation will move this Court before the Honorable _____, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, at a date and time to be designated by the Court, for an Order compelling third party American Home Mortgage Investment Corp to produce documents and/or permit inspection of documents pursuant to Rules 34(c) and 45(c)(2)(B) of the

Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
January 8, 2010

Respectfully submitted,



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AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 :ss.:
COUNTY OF NEW YORK)

MATTHEW M. FINNEGAN, being duly sworn, deposes and says:

1. I am over 18 years of age, not a party to this action, and employed by the law firm of Patterson Belknap Webb & Tyler LLP, located at 1133 Avenue of the Americas, New York, New York 10036.

2. On January 8, 2010, I served the foregoing **Notice of Motion** upon the following attorneys for the parties herein via U.S. Mail, directed to them at the address below:

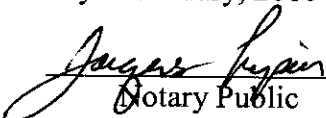
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MATTHEW M. FINNEGAN
Lic. No. 0955687

Sworn to before me this 8th
day of January, 2010



Notary Public
JACQUES LYSIUS
Notary Public, State of New York
No. 01LY007858
Qualified in Queens County
Certificate Filed in New York County
Commission Expires April 30, 2011